EXHIBIT 1

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

ESSENCE TAYLOR and DANIEL CASHMAN on behalf of themselves and all other employees similarly situated,

Plaintiffs,

v.

DELTA-SONIC CAR WASH SYSTEMS, INC., and RONALD BENDERSON,

Defendants.

DECLARATION OF BRIAN EVERS

Civil Action No. 6:14-cv-06698-MAT-JWF

STATE OF NEW YORK)
) ss
County of Monroe)

I, Brian Evers, am over the age of 18, have personal knowledge of the facts stated herein, and am capable of making this declaration.

- 1. I am the Vice President and Chief Financial Officer of Delta-Sonic Car Wash, Inc. ("Delta-Sonic"). I have served in that role since June 2003. My job duties include oversight of Delta-Sonic's payroll department.
- 2. Delta-Sonic operates car washes at 19 locations in western New York, including Buffalo, Syracuse, and Rochester. 16 facilities also provide interior and exterior detailing in "Detail Shops." 11 facilities also provide oil changes in "Lube Shops."
- 3. Site Supervisors are the highest position at any individual location. Site Supervisors do the majority of the interviewing and hiring for their location. The HR Department provides them interview checklists for use during interviews.

- 4. Delta-Sonic calls the employees who clean the interior and exterior of the vehicles Delta Technicians or "Delta Techs." Delta-Sonic hires and trains almost all new employees as Delta Techs. Their duties include power-washing the vehicles, programming the carwash computer, hand-drying vehicles, and detailing the interior and exterior of vehicles. Delta Techs regularly earn tips from customers.
- 5. As employees progress at Delta Sonic, they can take on a variety of other positions, including Wash Cashier, which involves selling car wash and detail services to customers and ringing up their purchases.
- 6. All new employees attend "Kiss University," Delta-Sonic's orientation program conducted by Corporate Trainers. During orientation, employees are instructed about Delta-Sonic policies, practices, and procedures on pay, uniforms, customer service, and safety, among other things.
- 7. Since at least 2010, Delta-Sonic distributed written pay sheets to employees through a variety of methods to inform them about Delta Tech pay. Trainers distributed the pay sheets during orientation, Site Supervisors and other managers use the pay sheets during training, and many Site Supervisors also post the pay sheets in the employee break room, near the time clock, or other places at their location. Examples of those pay sheets are attached as Exhibit A.
- 8. When employees go through orientation, the Trainers cover pay with them. The Trainers distribute the pay sheets and have the employees sign them. The Trainers then place the signed pay sheet into the employees' personnel file, which Delta-Sonic maintains as a routine part of business. Copies of pay sheets from personnel files for some of the individual plaintiffs in this case are attached as Exhibit B.

- 9. At some point, Delta-Sonic also began using a form from the New York Department of Labor that Delta-Sonic filled out to inform employees about their pay (the "NY DOL form"). Delta-Sonic distributes these forms to employees at orientation, has employees sign and date the forms, and keeps the signed forms in the employees' personnel files. In certain circumstances, the Company also distributed these forms to some employees after their hire date, obtained a signature, and kept them in personnel files. Copies of the NY DOL forms from personnel files for some of the individual plaintiffs in this case are attached as Exhibit C.
- 10. Delta-Sonic requires employees working in a tipped position to claim the tips that they earn that is, report to Delta-Sonic the exact amount of money in tips that they made. Delta-Sonic maintains records of the amount of tips claimed by employees. The tip claim records for Daniel Cashman and Essence Taylor, the Plaintiffs in this lawsuit, are attached as Exhibit D.
- 11. Delta-Sonic maintains records of the employee's hire date, positions, and discharge date in an electronic document called the Job History. Copies of Job Histories for some of the individual plaintiffs in this case are attached as Exhibit E.
- 12. With each paycheck, Delta-Sonic provides employees with a paystub explaining the basis and calculation of their pay. Delta-Sonic maintains paystub records electronically. Copies of those paystubs for some of the individual plaintiffs in this case are attached as Exhibit F.
- 13. Delta-Sonic maintains its payroll records and information electronically. Employee pay and their paystubs are created from this database. Delta-Sonic's payroll department routinely runs various reports from the payroll database. For example, Delta-Sonic might need to see how much it paid out in overtime over a given period, and the payroll

department would program the payroll software to run that report from the database. As another example, the payroll department periodically runs U.S. and New York Department of Labor compensation survey reports from the database. Those reports require the payroll department to program a formula to calculate the per hour pay amount for each employee, including all regular hours worked at all applicable rates, but minus any overtime or tips. The payroll software can export the report into a variety of formats, including into a Microsoft Excel spreadsheet. Oftentimes the payroll department must get assistance from Delta-Sonic's payroll software vendor to program the software to obtain the needed report.

- 14. The payroll department ran the report attached at Exhibit G. With assistance from the payroll vendor, the payroll department programmed the software to export the following data from the payroll database into an Excel spreadsheet: select employee numbers, names, job codes, and car wash location codes ("Org Level 2 Code"); the pay date, or "Period Control Date"; all money the company paid to the employee on that pay date, excluding any overtime pay and tips ("Gross Tips"); all hours the employee worked as recorded on that pay date, excluding overtime hours ("Reg hours worked"). The payroll department then programmed the applicable minimum wage. Although the software program retains the current applicable minimum wage for purposes of calculating guarantee pay, it does not archive prior years' minimum wages. The software was then programmed to divide "Gross Tips" figure by "Reg hrs worked" ("Avg Pay Rate") and then subtract the "Avg Pay Rate" from the applicable minimum wage rate ("Variance").
- 15. All Delta-Sonic locations in New York post wage-and-hour signs in their break rooms. The signs include a Federal Labor Law sign that states the federal minimum wage and a

New York Labor Law sign that states the New York minimum wage. Photographs of those posters are attached as Exhibit H.

- 16. In November 2007, Delta-Sonic posted a print-out of New York Labor Law Section 196-d in the break room of the locations at Main Street (1264 Main Street, Buffalo), Boulevard (1355 Niagara Falls Boulevard, Buffalo), Walden (2285 Walden Ave, Cheektowaga), Salina (3720 Brewerton Road, Syracuse), and Transit (4983 Transit Road, Williamsville). In July 2012, Delta-Sonic posted the Section 196-d print-out in the break room at Orchard Park (3205 Orchard Park Road, Orchard Park). In July 2013, the Company posted Section 196-d in all New York locations. A copy of this sign is attached as Exhibit I.
- 17. The NY Department of Labor has visited Delta-Sonic at least 11 times since November 2007. During those visits, investigators looked at payroll documents and personnel files. At no time did any investigator inform Delta-Sonic that its paystubs were not in compliance with the Miscellaneous Wage Order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2015.

Brian Evers

EXHIBIT A

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The position of Delta Technician consists of four different levels that include various job functions. You are required to successfully complete specific training certification requirements before moving to the next level.

Levels	Certification Requirements	Job Functions
Delta Tech Level 1	Kiss University-Entry Level	Primarily Power Washing and Conveyor Floater. Minimal
	,	Dry Time at Wash Exit (never guaranteed rotation/hours)
Delta Tech Level 2	Kiss Off Certification-Practical	Same as Above & Kiss Off (Requires Mgt final quality inspection)
		Primarily works in a tipped position over Delta Tech 1
Delta Tech Level 3	Super Cert and Express Service Test	Kiss Off (Does Not require Mgt final quality inspection)
	Written and Practical Portion	Primarily works in a tipped position over Delta Tech 1-2
		Performs Express Services
Delta Tech Level 4	Same as above and complete	Same as Delta Tech 3 & Perform Full Details
	Paint Specialist Training Class	Primarily works in a tipped position over Delta Tech 1-3

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve increases the opportunity for you to be selected to receive available work hours & time in a tipped position. Longevity and flexible availabilities will also be taken into consideration. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone. **Delta Tech Level 1 employees are never guaranteed hours or time in a tipped position.**

Pay Rates

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as by the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech job functions, pay rates and codes for clocking in.

Longevity Pay- \$0.15 cents per hour/years of service will be added to your base hourly rate for all non-tipped hrs.

Job Functions	Pay Rate	Description	Code for Clocking In
Kiss Off/Dry at Wash Exit	Minimum of \$6.60 plus tips (Total never to be less than \$8.75)	Tipped Position	Detail-T / Wash-T
P.Washing/Baywatch/C. Floater	\$8.75	Non-Tipped Position	P.Wash/Baywatch/Detail-NT
Wash Programmer	\$9.25 *	Programming	Programmer
Performing Express Services	Minimum of \$6.60** plus tips	Express Tech (Tipped Position	n) Detail-T
Selling Express Services	(Total never to be less than \$8.75) \$8.75**	Top Gun (Certification Require	ed) Top Gun
Performing Full Details	\$9.25**	Paint Specialist	Paint Specialist

^{*} Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

Delta Techs are required to claim all tips by completing the assigned tip sheet (form/program) on a daily basis.

Effective Date: December 2014 and is subject to change at anytime per management's discretion.

^{**} Eligible to receive commissions for performing and selling Express & Full Detail Services. Refer to D.S. Comm. Schedule.

Exterior Only-Delta Technician Pay Chart- NY Market

For the following "Exterior Only" locations West Seneca, Airport, McKinley and Irondequoit (No Detail Shop) only the Delta Tech Level 1 position applies. For those locations that have a Detail Shop, the Delta Tech position consists of 4 different levels with each level consisting of various certification requirements and job functions that include working in the Detail Shop.

_	Levels	Certification Requirements	Job Functions
	Delta Tech Level 1	Kiss University	Primarily Power Washing
			Dry at Wash Exit (never guaranteed rotation/hours)
			Wash Programmer/Bay Watch- certification required

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of job title that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. For example, at an Exterior Only location a Wash Cashier may take precedence over a Delta Tech Level 1 to receive working hours or time in a tipped position Drying at the Wash Exit. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone.

Pay Rates

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your job title, the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech Level 1 job functions, pay rates and codes for clocking in. If you are an active employee prior to the effective date of this pay program, your current tipped pay rate will remain the same. Longevity Pay-\$0.15 cents per hour/years of service will be added to your base hourly rate for all non tipped hours.

Job Functions	Pay Rate	Description	Code for Clocking In
Dry at Wash Exit	\$5.50	Tipped Position	Wash-T
Power Washing	\$7.25	Non-Tipped Position	Power Washer
Wash Programmer/Bay Watch	\$8.00*	Programming/Bay Watcher	Programmer

^{*}Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

Tips

When working in a tipped position your hourly pay rate will be made up of a base pay rate of \$5.50 per hour **plus** tips. Your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Delta Techs are required to claim all tips by completing the assigned tip sheet form on a daily basis.

Effective Date: June 2012 and is subject to change at anytime per management's discretion.

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The position of Delta Technician consists of four different levels that include various job functions. You are required to successfully complete specific training certification requirements before moving to the next level.

Levels	Certification Requirements	Job Functions
Delta Tech Level 1	Kiss University-Entry Level	Primarily Power Washing and Conveyor Floater
		Dry at Wash Exit (never guaranteed rotation/hours)
Delta Tech Level 2	Kiss Off Certification	Same as Above & Kiss Off (Requires Mgt final quality inspection)
		Primarily works in a tipped position over Delta Tech 1
Delta Tech Level 3	Super Cert- Done By Detail Director	Kiss Off (Does Not require Mgt final quality inspection)
		Primarily works in a tipped position over Delta Tech 1-2
	Express Cert- Done By Detail Director	Performs Express Services and is a Certified Inspector
Delta Tech Level 4	Same as above & Paint Specialist	Same as Delta Tech 3 & Priority is to perform Full Details
		Primarily works in a tipped position over Delta Tech 1-3

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. For example, a Delta Tech Level 3/4 may take precedence over a Delta Tech Level 1/2 to receive working hours or time in a tipped position including Drying at the Wash Exit. Utilizing a Delta Tech 3 or 4 for power washing/conveyor floating should be a last resort. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone.

Pay Rates

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech job functions, pay rates and codes for clocking in. If you are an active employee prior to the effective date of this pay program, your current tipped pay rate will remain the same. Longevity Pay- \$0.15 cents per hour/years of service will be added to your base hourly rate for all non tipped hours.

Job Functions	Pay Rate	Description	Code for Clocking In
Kiss Off/Dry at Wash Exit	\$5.50	Tipped Position	Detail-T / Wash-T
Power Washing/Conveyor Floater	\$7.25	Non-Tipped Position	Power Washer / Detail-NT
Wash Programmer/Bay Watch	\$8.00*	Programming/Bay Watcher	Programmer
Performing Express Services	\$5.50**	Express Tech (Tipped)	Detail-T
Selling Express Services	\$7.25**	Top Gun (Certification Required)	Top Gun
Performing Full Details	\$8.50**	Paint Specialist	Paint Specialist
Certified Inspector-Detail Shop	\$5.50	Inspect/Present (Tipped)	Detail-T

^{*}Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

<u>Tips</u>

When working in a tipped position your hourly pay rate will be made up of a base pay rate of \$5.50 per hour **plus** tips. Your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Delta Techs are required to claim all tips by completing the assigned tip sheet form on a daily basis.

Effective Date: March 2012 and is subject to change at anytime per management's discretion.

^{**} Eligible to receive commissions for performing and selling Express & Full Detail Services. Refer to D.S. Comm. Schedule.

Employee name:		Date of hi	e:		
The position of Delta Techna Delta Technician Level 1. before moving to the next le	You are required				
As our business volume is fluctuate. To assist us in of The higher the level of ceropportunity for you to be a Delta Tech Level 1 employed.	letermining how tification that y selected to rece	this time is distributed, ou achieve, as well as lon ve available work hours a	Delta Sonic will follogevity and open ava & time working in a	low certain gui ailability, incre tipped positio	idelines eases the
Job functions are assigned to well as the needs of our busi to work in a specific job fun you are paid the correct pay	ness operations ction, it is your r	nd staffing requirements. V	Vhenever you are inst	ructed by your	manage
While working any hours in	a <u>non-tipped</u> jol	function, you will be paid a	an hourly rate of \$7.2	5.	
When working in a <u>tipped</u> jo worked will be guaranteed to \$5.50 per hour plus tips .					
At the completion of your way worked in a non-tipped position. At the end of each week worked in a tipped position. total pay (base pay and tips) \$7.30. (See examples below)	tion or you did r k, payroll will ca If you did not n	ot make any tips that day y culate the amount of tips y ake enough in tips while w	ou still need to put "C ou made along with the orking in a tipped pos	" in the block for the number of he sition to ensure	for that ours you your
On busy days, you may work	•	er or Programmer. In these nteed Rates while in a tip	•	1	
	_		-		
16 Hours $x = 5.50$ per hour =		20 hou	1 1	\$110.00	
\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00	
Company \$0.55 /hr	\$8.80	Compa		\$0.00	
Makeup Total Pay	\$116.80	Makeu _j Pay	P Total	\$184.00	
Paid	\$7.30/hr	1 2 20,	Paid	\$9.20/hr	
OT Rate	\$10.95/hr		OT Rate	\$13.80/hr	
I have been explained the D Employee Signature:	elta Technician I	,		-	

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EXHIBIT B

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a LJERE 1	tion of Delta Techni 'echnician Level 1. Y oving to the next lev	ou are requi	of four different leve ted to successfully co	els that inclu implete spec	ade various job fun rific training certific	ctions. You are ation requireme	hired as ents
The big opportu	rusiness volume is of the assist us in de ther the level of cert uity for you to be so the Level 1 employs	termining ! ification the dected to re	how this time is dis at you achieve, as o ceive available wo	itributed, D vell as longe rk hours &	elta Sonic will followity and open available working in a	low certain gu ulability, incre nimed positic	idelines.
wen as m to work i	tions are assigned to te needs of our busin in a specific job funct aid the correct pay is	ess operation ion, it is you	os and staffing requi	cements. Wh	lenever vou are inst	racted by your	trianacer
While wo	orking any hours in a	non-tipped	job fusction, you wil	ll be paid an	hourly rate of \$7,2	5 .	
When we worked w	orking in a <u>tipped</u> job vill be guaranteed to l hour plus tips.	function, ye	ou can be assured the	it vour total	average hourly nav	tate for those h	ours ate of
worken u day. At d worked is total pay i \$7.30. (Se On busy i	mpletion of your wo 1 a non-tipped positi the end of each week, 1 a tipped position. It (base pay and tips) co xx examples below) days, you may work a	on or you da payroll will f you did not omes up to \$ as a Bay Wat	d not make any tips calculate the amount make chough in tip i7.30, we will add in their or Programmer	that day you t of tips you s while work the difference . In these po	still need to put "0 made along with the sing in a tipped pos- te to make sure we esitions, you will be	" in the block for number of he ition to ensure meet the guarar paid \$8.90/hr	or that ours you
6 Henre	x 5.50 per hour =	**************************************					
***************************************	\$20.00 (Tips)	\$20,00		20 bours	#5.50per hour = #74.00 (Tips)	\$110.00	
					\$1400 (Tiba)	\$74.00	
lompany dakeup	\$0.55 /hs Total	\$8.80		Company	\$0.00/hz	\$0.00	
'ay		\$116.80		Makeup Pay	Total	\$184.00	
***	Paid	\$7.30/h;		***************************************	Paid	\$9.20/hr	
	OT Rate	\$10.95/hr		A CONTROL OF THE PARTY OF THE P	OT Rate	\$13.80/he	

NY Delta Technician 1-4

Employee name: Dang (askmos) Date of hire: 12/7/17

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Signed Acknowledgment Section:
I have been explained the Deltz Technician Level 1 Pay Rates and fully understand how I will be paid.

OT Rate

\$13.80/hr

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Confidential

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Employee name:	Kievonn	banks	Date of hire:	4/12
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The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a <u>non-tipped</u> job function, you will be paid an hourly rate of \$7.25.

When working in a <u>tipped</u> job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.40 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr ------Examples of Guaranteed Rates while in a tipped position------

16 Hours	x 5.40 per hour =	\$86.40	20 hours	x5.40per hour =	\$108.00
	\$20.00 (Tips)	\$12.00		\$74.00 (Tips)	\$74.00
Company	\$1.15/hr	\$18.40	Company	\$0.00/hr	\$0.00
Makeup Pay	Total	\$117.95	Makeup Pay	Total	\$182.00
	Paid	\$7.30/hr		Paid	\$9.10/hr
~	OT Rate	\$10.95/hr		OT Rate	\$13.65/hr

Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.				
Print Name: Kiwonn banks				
Employee Signature: Kievonn Banks	Date 7/21/12			



Delta Technician

Employee name:		Sicho	Date of hire:	3-5-1	
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Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

Work Week 1:

16 hours	Χ	\$5.50	per hour	= \$88.00	***************************************
	·\$··	\$10.00	Tips	\$10.00	
	4	\$3.00	Commissions	\$3.00	
Сотрапу такецр		\$0.99	Hour		
			Makeup Pay	\$15.80	
			Total	= \$116.80	
			PAID	\$7.30	hour
OT= Avg hourly pay	X	J, S	Overtime Rate	\$10.95	hour

Work Week 2:

20 hours	X	\$5.50	per hour	= \$110,00	
	-{-	\$54,00	Tips	\$54.00	
		\$7.50	Commissions	\$7.50	
Company makeup		\$0.00	How		
			Makeup Pay	\$0.00	
			Total	= \$171,50	
			PAID	\$8.58	hour
IT= Avg hourly pay	Х	1.5	Overtime Rate	\$12.86	hour

1 understand that as the above examples reflect that my rate of pay and overtime rate will (Employee initials)

change based on amounts of earnings of tips and commissions respectively.

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Labor Law Section 195(1) Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime

Employer Company Name Delta Sonic Car Wash System, Inc. FEIN 16-0972035 Street Address 570 Delaware Avenue City Buffalo State New York Zip 14202 Phone (716) 541 - 2100 Preparer's Name Dairnic Shapiro Preparer's Title Tydiner	Employee Name LACI SSO BADAHO Street Address 20 SAMOSCO DrovC Apt. City CACCASTO 2000 State NCW SCATE Zip 144225 Phone (T1V) 986- 7816
Your rate of pay: \$ 5.5 () **(Please se	
Your rate of pay:	
Other rate of pay:	per
Your overtime rate of pay: \$8.25 **(Pleas	se see attachment for details) per hour.
Designated pay day: Weekly on Fridays	
I hereby certify that I have read the above and the information knowledge and belief. Any false statements knowlingly made the New York State Penal Law).	n contained in this form is true and accurate to the best of my are punishable as a class A misdemeanor (Section 210.45 of
Date: 2-5-11	Preparer's Signature
General Statement Regarding Overtime Pay in New York: Almost all employees in New York must be paid overtime was over 40 per workweek. A very limited number of specific cate overtime rate or not at all.	FOR AT I Williams their moular rate of new for all boom wood and
I hereby acknowledge that I have been notified of my wage reforth below.	te, overtime rate, and designated pay day on the date set
Date: <u>3-5-11</u>	(Employee's Signature)
A duplicate signed copy of this form is to be provided to	the employee. Original must be kept by the employer.

LS 52 (10/09)

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Employee name:	Amanda	Conteh	Date of hire: _	13/8/12	
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The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a <u>non-tipped</u> job function, you will be paid an hourly rate of \$7.25.

When working in a <u>tipped</u> job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr ------Examples of Guaranteed Rates while in a tipped position------

16 Hours	x 5.50 per hour =	\$88.00	20 hours	x5.50per hour =	\$110.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.55 /hr	\$8.80	Company	\$0.00/hr	\$0.00
Makeup Pay	Total	\$116.80	Makeup Pay	Total	\$184.00
	Paid	\$7.30/hr		Paid	\$9.20/hr
	OT Rate	\$10.95/hr		OT Rate	\$13.80/hr

Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and full	ly understand how I will be paid.
Print Name: Amanda Conteh	
Employee Signature: <u>(IMAW) da JONELL</u>	Date 12 8 12

	,	NY Delta	Technician 1-4		
Employee name:	Paul	Dattilo	Date of hire:	9/28/13	
- r - J		,			

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

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------Examples of Guaranteed Rates while in a tipped position------

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	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.55 /hr	\$8.80	Company	\$0.00/hr	\$0.00
Makeup Pav	Total	\$116.80	Makeup Pay	Total	\$184.00
	Paid	\$7.30/hr		Paid	\$9.20/hr
	OT Rate	\$10.95/hr		OT Rate	\$13.80/h

Signed Acknowledgment Section:

I have been explained the Delta Teghnician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature:

Date: 9/78/15

18 | Page

	NY Delta	Technician 1-4	
Employee name:	AlpiaJacobs	Date of hire:	'aa113
Employee manie.			***************************************

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------Examples of Guaranteed Rates while in a tipped position------

16 Hours	x 5.50 per hour =	\$88.00	20 hours	x5.50per hour =	\$110.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.55 /hr	\$8.80	Company	\$0.00/hr	\$0.00
Makeup Total	\$116.80	Makeup Pay	Total	\$184.00	
	Paid	\$7.30/hr		Paid	\$9.20/hr
	OT Rate	\$10.95/hr		OT Rate	\$13.80/h

Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: april a Journe Date: 6/22/13

18 | P a g e

	/)	NY	Delta Technician 1-4 / /
	1/ · · ·	17.1	3/8/ 14
Employee name: _	Dailei	P15h	Date of hire:
1 ,		•	/

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

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When working in a <u>tipped</u> job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$8.00 per hour. Your hourly pay will be made up of a base pay rate of \$6.05 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$8.00, we will add in the difference to make sure we meet the guarantee of \$8.00. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr
-----Examples of Guaranteed Rates while in a tipped position-----

16 Hours	x 6.05 per hour =	\$96.80	20 hours	x6.05per hour =	\$121.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.70 /hr	\$11.20	Company	\$0.00/hr	\$0.00
Makeup Pay	Total	\$128.00	Makeup Pav	Total	\$195.00
	Paid	\$8.00/hr		Paid	\$9.75/hr
	OT Rate	\$12.00/hr		OT Rate	\$14.63/hr

Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: Date: 3/8//

Confidential

Case 6:14-cv-06608-10/4112 Procument 48-3 I Filed 07/201125 Page 21 of 40

Employee name: Juckio	n 1 en2	Date of hire:	2/2/	13
				

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

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On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr ------Examples of Guaranteed Rates while in a tipped position-----

16 Hours	x 5.50 per hour =	\$88.00	20 hours	x5.50per hour =	\$110.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.55 /hr	\$8.80	Company	\$0.00/hr	\$0.00
Makeup Pay	Total	\$116.80	Makeup Pay	Total	\$184.00
	Paid	\$7.30/hr		Paid	\$9.20/hr
	OT Rate	\$10.95/hr		OT Rate	\$13.80/hr

Signed Acknowledgment Section:

I have been explained the Delta Technician Level	l Pay	Rates and fully understand how I	will be paid.
--	-------	----------------------------------	---------------

Print Name: Jackyn Lenz

Employee Signature: Jewyn Semy Date 2/2/13



Delta Technician

Employee name:	Alex	Marshank	le	Date of hire:	11/12	In	
	+			-	7	1	

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour plus tips.

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Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

-----Examples-----

Work Week 1:

16 hours	х	\$5.50	per hour	=	\$88.00	
	+	\$10.00	Tips		\$10.00	
	+	\$3.00	Commissions		\$3.00	
Company makeup		\$0.99	Hour			
			Makeup Pay		\$15.80	
			Total	=	\$116.80	
			PAID		\$7.30	hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$10.95	hour

Work Week 2:

20 hours	х	\$5.50	per hour	=	\$110.00	
	+	\$54.00	Tips		\$54.00	
	+	\$7.50	Commissions		\$7.50	
Company makeup		\$0.00	Hour			
			Makeup Pay		\$0.00	
			Total	=	\$171.50	
			PAID		\$8.58	hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$12.86	hour

I understand that as the above examples reflect that my rate of pay and overtime rate will (Employee initials)

change based on amounts of earnings of tips and commissions respectively.



Delta Technician

	- 1/2/him	Malaka	
Employee name:	<i>4-8-2,1</i> /-	Marie of hire:	11/13/2010

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

Work Week 1:

16 hours	X	\$5.50	per hour	5555	\$88.00	
	· ÷ ·	\$10.00	Tips		\$10.00	
	4	\$3.00	Commissions		\$3.00	
Company makeup		\$0.99	Hour			
			Makeup Pay		\$15.80	
			Total	:03	\$116.80	
			PAID		\$7.30	hour
T= Avg hourly pay	X	1.5	Overtime Rate		\$10.95	hour

Work Week 2:

20 hours	Х	\$5.50	per hour	== \$110.00
		\$54.00	Tips	\$54.00
	~ jv	\$7.50	Commissions	\$7.50
Company makeup		\$0.00	Row	
			Макенр Рау	\$0.00
			Total	= \$171,50
			PAID	\$8.58 hour
OT= Avg hourly pay	x	1.5	Overtime Rate	\$12.86 how

I understand that as the above examples reflect that my rate of pay and overtime rate will

change based on amounts of earnings of tips and commissions respectively.

Page 2/2



Labor Law Section 195(1) Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime

W 1	
<u>Employer</u>	<u>Employee</u>
Company Name Delta Sonic Car Wash System, Inc.	Name Hashim MSAkarah
FEIN 16-0972035	Street Address 310695457
Street Address 570 Delaware Avenue	Apr City <u>ROCLARS+4</u>
City Buffalo State New York	State
Zip 14202	T
Phone (716) 541 . 2100	Phone (385) 484 - 2494
Proparer's Name Mana 7 and	
Preparer's Title 11144	
Your rate of pay: \$ **(Please se	e attachment for details) per hour.
	salary per
Other rate of pay:	\$ \$ \$ \$ \$ \tag{\$ \
Your overtime rate of pay: \$ **(Plea	se see attachment for details) per hour.
Designated pay day: Weekly on Fridays	
I hereby certify that I have read the above and the information knowledge and belief. Any false statements knowingly mad the New York State Penal Law).	on contained in this form is true and accurate to the best of my e are punishable as a class A misdemeanor (Section 210.45 of
Date: 11/13/10	mana) C. Johns)
	[Preparer's Signature]
General Statement Regarding Overtime Pay in New York Almost all employees in New York must be paid overtime we over 40 per workweek. A very limited number of specific cal overtime rate or not at all.	1908 of I & firms that recolor rote of him the all bearing and a
Thereby acknowledge that I have been notified of my wage reforth below.	rate, overtime rate, and designated pay day on the date set
Date: 11/13/10	Employee's Signature
A duplicate signed copy of this form is to be provided to	The state of the s
LS 52 (10/09)	



Delta Technician

			. 1				1.1.1.
Employee name:	\mathbf{W}	<u> (67 17</u>	lighest		Date of h	ire:	7/10/10
watching, cleaning the in cleaning the parking lots	n ha t lin iside . Re y pay	s many onited to perform of vehicles of vehicles of rate for	lifferent job fur lower washing to cles, washing to of what job fun the week will b	nctions vehicles wels, cluction you	vithin the drying caning the aning the ou are pen	e job de ears, pro ne bathr forming be no le	scription. Some of those
day. If you worked in a r in the block for that day, along with the number of (base pay and tips) come \$7.30. (See examples belong to be the commissions on Expresions on Expresions an employee is trained Carpet Shampoo, etc.) they services.	At f hous up low) ss Sed and are	tipped pot the end ours you version to \$7.30 ervices description to be to be the control of the	osition or you di of each week, powerked. If you do by we will add in to either sell or o receive commis	id not mayroll which not	ake any ill calcul nake eno ference to Express S d tips whi	tips that ate the a ugh in to make Services le either	oney you made in tips that that day you still need to put "0" amount of tips you made ips to ensure your total pay sure we meet the guarantee of (Express Hand Wax, Express performing or selling these
20 T T T T T T T T T T T T T T T T T T T	10 00 00 XX	** ** ** ** ** ** ** ** ** ** ** ** **	Examp	iles	***************************************	eroe eo eo oo oo oo oo oo	with man and the fact along the later before the the sec bot (see late) but late, out upon the later had not the later had the later before the later had th
Work Week 1:							
16 hours	X.	\$5.50	per hour	***************************************	\$88.00		
	4	\$10.00	Tips		\$10.00		
	+	\$3.00	Commissions		\$3.00		
Сотрапу такецр		\$0.99	Hour				
		***************************************	Makeup Pay		\$15.80		
			Total	200	\$116.80		
			PAID		\$7.30	hour	
OT= Avg hourly pay					M 1 1 2 ()	mout j	

Work Week 2:

20 hours	X	\$5.50	per hour		\$110.00	***************************************
	+	\$54.00	Tips		\$54.00	
	+	\$7,50	Commissions		\$7.50	
Company makeup		\$0.00	Hour			
			Makeup Pay		\$0.00	
			Total	===	\$171.50	•
			PAID		\$8.58	hour
OT= Avg hourly pay	X	1.5	Overtime Rate		\$12.86	hour

I understand that as the above examples reflect that my rate of pay and overtime rate will

change based on amounts of earnings of tips and commissions respectively.



Labor Law Section 195(1) Notice and Acknowledgement of Wage Rate and Designated Payday Hourly Rate Plus Overtime

Employer	Employee
Company Name Delta Sonic Car Wash System, Inc.	Name Adjou Thirthas T
FEIN 16-0972035	Stone Address 34 Bedrete
Street Address 570 Delaware Avenue	Apr. City Vallage
City Buffalo State New York	State <u>NY</u> Zip <u>4984</u>
Zip 14202	2000 in 12 f
Phone (716 _ 541 . 2100	Phone (716) 675 - 3198
Preparer's Name PROCCO UNINGST	
Preparer's Title Trainer	
Your rate of pays \$ **(Please se	e attachment for details) per hour.
Your rate of pay:	salary per
Other rate of pay:	per
Your overtime rate of pay: \$ **(Plea:	se see attachment for details) per hour.
Designated pay day: Weekly on Fridays	
I hereby certify that I have read the above and the informatio knowledge and belief. Any false statements knowingly made the New York State Penal Law).	n contained in this form is true and accurate to the best of my eare punishable as a class A misdemeanor (Section 210.45 of
Date:44010	Kebeccacotjangot
General Statement Regarding Overtime Pay in New York: Almost all employees in New York must be paid overtime wa over 40 per workweek. A very limited number of specific cate overtime rate or not at all.	ges of 1.65 times their resular rate of oay for att hours workast.
I hereby acknowledge that I have been notified of my wage reforth below:	ate, overtime rate, and designated pay day on the date set
	11 Affred
Date: 4/10/10	Clar Myr
\ 	[Employee's Signature]
A duplicate signed copy of this form is to be provided to	the employee. Original must be kept by the employer.
US 52 (10/09)	



Delta Technician

Employee name:	Casey	Wentline	Date of hire:	12/10/11
			ALLEGE CONTROL OF THE PROPERTY	

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

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-----Examples-----

Work Week 1:

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		+	\$10.00	Tips		\$10.00	
		+	\$3.00	Commissions		\$3.00	
Cor	npany makeup		\$0.99	Hour			
				Makeup Pay		\$15.80	
				Total	- Contract C	\$116.80	
				PAID		\$7.30	hour
OT=	Avg hourly pay	X	1.5	Overtime Rate		\$10.95	hour

Work Week 2:

20	hours	Х	\$5.50	per hour	==	\$110.00	
20	nours	+		•			
			\$54.00	Tips		\$54.00	
		+	\$7.50	Commissions		\$7.50	
Coi	mpany makeup		\$0.00	Hour			
				Makeup Pay		\$0.00	
				Total	=	\$171.50	
				PAID		\$8.58	hour
OT=	Avg hourly pay	X	1.5	Overtime Rate		\$12.86	hour

(Employee initials) I understand that as the above examples reflect that my rate of pay and overtime rate will

change based on amounts of earnings of tips and commissions respectively.

Page 2/2

EXHIBIT C

Case 6:14-cv-06698-JWF Document 48-3 Filed 07/14/15 Page 29 of 40

	Motice and Acknowledgement of Pay Rate and Payday	Deka Technician 1-4
	Under Section 2003, a of the New York State Labor Law Nother for seasing to south mase Employees	MANY CASHINGS Employee Name
2. Employer information and an analysis of the second and an an analysis of the second and an an	 Employed's rute(s) of pay for each type of work or shift: 	each rate of pay. The owenime rate may vary from uneat to used.
	3	8. Employee Asknowlindsenson:
Delta Soric Car Wash Systems, Inc.	5 7.30 per hour for Defin Technican Guarantee	per hour for
Doing Budhness As (DBA) name(s);	\$ 8.00 per hour for Programmer A. Alternances taken:	designated payday on the date given below. I bold my employer what my primary language.
FEIN (optional): 16-0872085	Mone Tips Varies per hour	Check one: State the property of the pay notice in Freelish harmens is to not resistant amount
	Logsing was consistent and	
**************************************	Contraction of the contraction o	They been given this pay notice in English
Purfalo, NY 14202	S. Reguler payday;	only, pagence the Department of Labor does
Malling Address:		
* Land		
976. Y 1222.	N Week	The state of the s
Phone: 716-541-2100		ヘアノン
	7. Overtime, Pay Research for each road of weat.	Osts
		Maria Zahos - Trainer
	This must be at least 1% times the worker's	Preparer Marra and Jido
[] Before a change in pay rate (s).	reighted average of the realities rates of pay for the week, with few exceptions. The	
andwarder Chartesta of Caydey	confidence accorage is the notal regular pay.	The employed must receive a signed copy of this form. The genelover must been the residual
	The meeting rate may vary from week to week	**************************************

Finaloyee should be given a copy of the corresponding pay sheet*

KINDON M. BanKS

each rate of pay. The overtime rate may vary

from week to week.

**Employee Print Full Legal Name

Delta Technician I- New 2012

not yet offer a pay notice form in my primary

language.

only, because the Department of Labor does

I have been given this pay notice in English

My primary language is__

English because it is my primary language.

| I have been given this pay notice in

Check one:

Case 6:14-cv-06698-JWF

Employee Signature Hisson

Maria Zahus

Preparer Name and Title

this form. The employer must keep the original The employee must receive a signed copy of for 6 years.

Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law Notice for Multiple Hourly Rate Employees

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type		Delta Technician- Plus Tip
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of pa		- X
rate(s)		nor hour for
3. Employee's rate(s) of pay for each type of	ar shift:	5.40
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8. Employee Acknowledgement:	Delta Technician-Non-Tipped Our for	Oil tills day i iidve beeli ilotinisa oil iny pay i also, ovortimo rato lif olicibla) allowance, and	designated payday on the date given below.	I told my employer what my primary language
\$ 5.40 per hour for	Delta Technician-Non-Tipped 3 7.25 per hour for.	7 30 Delta Technician-Guarantee	S ''' per hour for Tipping Wage Over this rate in Engine, and which have below	\$ 8.00 per hour for Programmer

Delta Sonic Car Wash System, Inc

Name:

1. Employer Information

Doing Business As (DBA) name(s):

4. Allowances taken:

per hour	per meat		THE PARTY OF THE P	FRIDAY	
□ None ⊠ Tips Varies	Meals	Lodging	Cther	5. Regular oavday:	

Weekly	Bi-weekly
\boxtimes	

☐ Other

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1½ times the worker's weighted average is the total regular pay for the week, with few exceptions. The

per hour	per meal	-		
Varies		80		
X Tips	Meals	Lodging] Other	
<u> </u>	! _ 	Ш	ш	

6. Pay is:

570 Delaware Ave

Mailing Address:

Buffalo, NY 14202

570 Delaware Ave Buffalo, NY 14202

Physical Address:

FEIN (optional):

16-0972035

Weekly	Ri seroce
\boxtimes	

Phane: 716-541-2100

2. Notice given:



Notice and Acknowledgement of Pay Kate and Payda Under Section 195.1 of the New York State Labor Law	Notice for Multiple Hourfy Rate Employees
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Employee's rate(s) of pay for each type of work or shift:

\$ 5.40 per hour for Delta Technician- Plus Tips \$ 7.25 per hour for and Training \$ 7.30 per hour for Baffa Technician-Guarantee \$ 8.00 per hour for Programmer.

Delta Sonic Car Wash System, Inc

Name:

1. Employer Information

Buffalo, NY 14202 Boing Business As (DBA) name(s):

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570 Delaware Ave

Physical Arthur 4202

FEIN (optional):

16-0972035

Buffalo, NY 14202

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6. Pay is:

Weekly	Bi-week	Other
X		

7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1% times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

Before a change in pay rate (s), allowances claimed or payday

 \boxtimes

On or before February 1

At hiring

2. Notice gRuffalo, NY 14202

Buffalo, NY 14202 Phone: 716-541-2100

570 Delaware Ave

Buffalo, NY 14202

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Mailing AGAMP 54202

Delta Technician I- New 2012

*Employee should be given a copy of the corresponding pay sheet

**Employee Print Full Legal Name
each rate or pay, the overtime rate may vary
fr Buff alog (1,000)

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, e vertime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language

Check one:

| I have been given this pay notice in English because it is my primary language.

Engologee Signature

Date ASSEL The

Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.

(11/60) 55 (3



Notice and Acknowledgement of Pay Rate and Payday Under Section 195.1 of the New York State Labor Law Notice for Multiple Hourly Rate Employees

Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 \$ 7.25 \$ 7.30 \$ 8.00

Delta Sonic Car Wash System, Inc

Name:

1. Employer Information

Doing Business As (DBA) name(s):

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570 Delaware Ave

Mailing Address:

Buffalo, NY 14202

5. Regular payday:

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1% times the worker's weighted average is the total regular pay for the week, with few exceptions. The

> Before a change in pay rate (s). allowances claimed or payday

On or before February 1

716-541-2100

Phone:

2. Notice given:

At Hiring

Delta Technician I- New 2012

Employee should be given a copy of the corresponding pay sheet each rate of pay. The overtime rate may vary **Employee Print Full Legal Name Amanda H. from week to week.

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below. e overtime rate (if eligible), allowances, and

Check one:

 ✓ I have been given this pay notice in Erglish because it is my primary language. ✓ My primary language is I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.
ry langury languice i

announde Arntali Employee Signature

Preparer Name and Title

this form. The employer must keep the original The employee must receive a signed copy of for 6 years.

\$ 55 (03/11)

Confidential DS0000296

570 Delaware Ave

Physical Address:

FEIN (optional):

16-0972035

Buffalo, NY 14202



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Notice and Acknowledgement of Pay Rate and Payday	Under Section 195.1 of the New York State Labor Law	Notice for Multiple Hourly Rate Employees

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Delta Sonic Car Wash Systems, Inc

Name:

Employer Information

Doing Business As (DBA) name(s):

4. Allowances taken:

_ per hour	_ per meal	-	FRIDAY	
None Tips Varies	Meats	Lodging	5. Regular payday:	

570 Delaware Ave

Physical Address:

FEIN (optional):

16-0972035

Buffalo, NY 14202

6. Pay is:

Weekly	Bi-weekly	Other
\boxtimes		

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1% times the worker's weighted average is the total regular pay for the week, with few exceptions. The

> Before a change in pay rate (s), allowances claimed or payday

On or before February 1

At hiring

2. Notice given:

Phone: 716-541-2100

570 Delaware Ave

Mailing Address:

Buffalo, NY 14202

Delta Technician 1-4

each rate of pay. The overtime rate may vary from week to week.

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below. e overtime rate (if eligible), allowances, and

Check one:

X I have been given this pay notice in English because it is my primary language.	My primary language is	only, because the Department of Labor does	not yet offer a pay notice form in my primary	language.
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Employee Signature

Date

Preparer Name and Title

Shame and Title Barer Name and this form. The employer must keep the original The employee must receive a signed copy of for 6 years.



Notice and Acknowledgement of Pay Rate and Payday	Under Section 195.1 of the New York State Labor Law	Notice for Multiple Hourty Rate Employees
Notice and Acknow	Under Section 195	Notice for N

3. Employee's rate(s) of pay for each type of

work or shift:

Employer Information

Delta Technician- Plus Tips per hour for		Delta Technician-Guarantee	\$ 8.00 per hour for Programmer
\$ 5.50	\$ 7.25	\$ 7.30	8.00
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Delta Sonic Car Wash Systems, Inc

Name:

Doing Business As (DBA) name(s):

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	per hour	per meal		
None	X Tips Varies	Meals	Lodging	Otther

payday:	
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6. Pay is:

FRIDAY

570 Delaware Ave

Physical Address:

FEIN (optional):

16-0972035

Buffalo, NY 14202

Weekly	Bi-week	Other
X		

Phone: 716-541-2100

570 Delaware Ave Buffalo, NY 14202

Mailing Address:

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1% times the worker's weighted average is the total regular pay for the week, with few exceptions. The

> Before a charge in pay rate (s), allowances claimed or payday

On or before February 1

At hiring

 \boxtimes

2. Notice given:

Delta Technician 1-4

each rate of pay. The overtime rate may vary from week to week.

8. Employee Acknowledgement:

.e. On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below. ge overtime rate (if eligible), allowances, and

Check one:

not yet offer a pay notice form in my primary only, because the Department of Labor does I have been given this pay notice in English My primary language is language.

Employee Signature

Preparer Name and Title

this form. The employer must keep the original The employee must receive a signed copy of

for 6 years.

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Notice and Acknowledgement of Pay Rate and Payday	under section 195,1 of the New York State Labor Law Notice for Multiple Hourly Rate Employees
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3. Employee's rate(s) of pay for each type of work or shift:

4. Allowances taken:	Allowand	4
Certification Required		•
per hour for Paint Specialist-	\$ 8.50	-
per hour for Programmer/Baywatching	\$ 8.25	٠,
Defta Technician-Non-Tippe per hour fcFraining Rate and Guarantee	\$ 8.00	٠,
1	\$ 6.05	•

Delta Sonic Car Wash Systems, Inc

Name

1. Employer Information

Doing Business As (DBA) name(s):

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6. Pay is:

570 Delaware Ave Buffalo, NY 14202

Mailing Address:

Other

Phone: 716-541-2100

2. Notice given:

M At Firing

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1½ times the worker's weighted average is the total regular pay for the week, with few exceptions. The

Before a change in pay rate (s)

 ☐ On or before February 1

allowances claimed or payday

Delta Technician 1-4 Bailey Kish

Print Full Name Clearly

each rate of pay. The overtime rate may vary from week to week.

8. Employee Acknowledgement:

d, e. torre., e Rate On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below.

Check one:

X I have been given this pay notice in Erglish because it is my primary language.	My orimery language is	only, because the Department of Labor does not yet offera pay notice form in my primar	language.
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Employee Signature

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Preparer Name and Title

this form. The employer must keep the original The employee must receive a signed copy of for 6 years.

\$ 55 (03/11)

Confidential DS0007475

570 Delaware Ave Buffalo, NY 14202

Physical Address:

FEIN (optional):

16-0972035

Employee should be given a copy of the corresponding pay sheet Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law Notice for Multiple Hourly Rate Employees

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imployee's rate(s) of pay for each type of	or shift:
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per hour fc		Delta Technician-Guarantee	\$ 8.00 per hour for <u>Programmer</u>
\$ 5.50	\$ 7.25	\$ 7.30	8.00
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Delta Sonic Car Wash System, Inc

Name:

1. Employer Information

Doing Business As (DBA) name(s):

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per hour per meal 	FRIDAY
None Tips Varies Meals Lodging	5. Regular payday:

570 Delaware Ave

Physical Address:

FEIN (optional):

16-0972035

Buffalo, NY 14202

6. Pay is:

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1% times the worker's weighted average is the total regular pay for the week, with few exceptions. The

> Before a change in pay rate (s). allowances claimed or payday

On or before February 1

X At hiring

2. Notice given:

Phone: 716-541-2100

570 Delaware Ave

Mailing Address:

Buffalo, NY 14202

Delta Technician I- New 2012

each rate of pay. The overtime rate may vary **EMployee Print Full Legal Name Jacklyn Szame

from week to week.

8. Employee Acknowledgement:

ate On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below. age overtime rate (if eligible), allowances, and

Check one:

Document 48-3					
I have been given this pay notice in English because it is my primary language. □	I have been given this pay notice in English	only, because the Department of Labor does A	not yet offer a pay notice form in my primar	anguage,	

1V01178198 P eparer Name and Titlé ployee

Page

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this form. The employer must keep the original The employee must receive a signed copy of for 6 years. Page 37 of 40



Notice and Acknowledgement of ray rate and rayday	Under Section 195.1 of the New York State Labor Law	Notice for Multiple Hourly Rate Employees

3. Employee's rate(s) of pay for each type of work or shift:

5.50 per hour for Delta Technician- Plus Tips	per hour for Delta Technician-Training	per hour for
5.50	7.25	
es.	\\ \strain \	S

Delta Sonic Car Wash System, Inc

Employer Information

Doing Business As (DBA) name(s):

4. Allowances taken:

☐ worner ▼ Tips per hour	Meals per meal	Lodging	Other	FRIDAY 5. Regular payday:
			Ŏ	ry E

570 Delaware Ave

Physical Address:

FEIN (optional):

16-0972035

Buffalo, NY 14202

6. Pay 15:

570 Delaware Ave Buffalo, NY 14202

Mailing Address:

Bi-weekly Other

716-541-2100

Phone:

7. Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week divided by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1½ times the worker's weighted average is the total regular pay for the week, with few exceptions. The

> Before a change in pay rate (s), allowances claimed or payday

On or before February 1

M At hiring

2. Notice given:

each rate of pay. The overtime rate may vary from week to week.

See attached sheet for examples

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, I told my employer what my primary language designated payday on the date given below. overtime rate (if eligible), allowances, and

Check one:

not yet offer a pay notice form in my primary only, because the Department of Labor does I have been given this pay notice in English English because it is my primary language. X I have been given this pay notice in My primary language is

Employee Signature

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Preparer Na/N/ and Title

this form. The employer must keep the original The employee must receive a signed copy of for 6 years. 1815- Car Wash

Before a change in pay rate (s) Movement claimed or payday

At hirtura

Z. Noske given:

Document 48-3 Filed 07/14/15 Page 38 of 40

Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law

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5.50 ppg 150 p 7.30 per hour for

Delha Sonic Car Wash System, Inc.

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Doing Business As (DBA) name(s):

4. Allowances taken:

Maries per how \$ \$ \$

Support Today

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570 Delaware Ave

Physical Address:

FEM (cottonal): 16-0972035 Buffalo, NY 14202

FRIDAY

31 A 8 6 9

570 Delaware Ave Buffalo, NY 14202

Mailing Address:

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716-541-2100

7, Overtime Pay Rate(s) for each type of work or shift:

The overtime rate may vary from week to week dyliked by the total hours worked in the week. depending on how many hours you worked at weighted average of the multiple rates of pay This must be at least 1% times the worker's weighted average is the total regular pay to the week, with few exceptions. The

each rate of pay. The overtime rate may vary

**Employee Print Full Legal Name

Delta Technician- Plus up> 8. Employee Admontedement:

Delta Technician-Guarantee On this day I have twen notified of my pay rate, 1 told my employer what my primary language designated payday on the date given below. overtime rate (if eligible), allowances, and

Check one

English because it is my primary language. Mithage them given this pay notice in

not yet offer a pay notice form in my primary only, because the Department of Labor does Thave been given this pay notice in English

Employee Signature

480

Paul Lutz- Director, Human Resources

Preparer Name and Title

Department so that we can provide this notice in If your primary language is NOT English, please contact the Delta Sonic Human Resources your primary language.

14 63 838/733

Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law Notice for Multiple Hourly Rate Employees

It is required that this form be completed prior to ANY employee working in a tipped position. 2. Notice Given: 1. Employer Information Name: Delta Sonic Car Wash Systems, Inc. At hiring Doing Business As (DBA) name(s): N/A Before a change in pay rate(s), FEIN (optional): 16-0972035 allowances claimed, or payday Physical Address: 570 Delaware Ave. Buffalo, NY 14202 Mailing Address: 570 Delaware Ave. Buffalo, NY 14202 Phone: (716) 541-2100 4. Regular Payday: 3. Employer's rate(s) of pay for each type of work or shift: Delta Tech - Tipped Position (Less tip silowance) per hour for 5. Pay is: 0 Weekly Delta Tech Non-Tipped Position/Training Rate Bi-Weekly Powerwashing & Bay Watching per hour for Other Paint Specialist & Programmer per hour for 4. Allowances taken: Average Hourly Tip Tip Allowance **Tipped Pay Rate** Amount (per week) None Tips Varies per hour (see chart)** Tips \$1.29 or less \$0.00 \$8.75 П Meals __ per meal Tips \$1.30-\$2.14 \$1.30 \$7.45 Lodging ___ Tips \$2.15 or more \$2.15 \$6.60 Other 7. Overtime Pay Rate(s) for each type of work or shift: This must be at least 1.5 times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked with each rate of pay. 8. Employee Acknowledgement On this day, I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is. If my primary language is not English, contact Human Resources for the appropriate form. Select one: ☐ I have been given this pay notice in English because it is my primary language. _. I have been given this pay notice in English only because the My primary language is _ Department of Labor does not yet offer a pay notice form in my primacy language. **Employee Signature**

The employee must receive a signed copy of this form. The employer must keep the original for six years.

*0.15 per hour/years of service will be added to the base hourly rate for all non-tipped hours.

^{**} The tip allowance claimed by the employer cannot exceed the amount of tips actually received by the tipped employee. All tips received by the tipped employee are to be retained by the employee. The tip credit will not apply to any tipped employee unless the employee has been informed of these tip provisions.

Notice and Acknowledgement of Pay Rate and Payday

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per hour for

Delta Sonic Car Wash System, Inc.

Name:

1. Employer information

Doing Strainess As (DBA) name(s):

Manner Cartes Tips:	D Medsprempsi		Regular psyday:				
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7. Overtime Pay Rate(5) for each type of work ### X

The overtime rate may vary from week to week dwided by the total hours worked in the week. depending on how many hours you worked at Very for early and the multiple rates of the This must be at least 155 times the worker's And a primary and a special and a second particles. for the week, with few exceptions. The

Before a change in pay rate (s)

On or before February 1.

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716-541-2100

Phone

2. Mostion given:

570 Delaware Ave

Mading Address:

Buffalo, NY 14202

570 Delaware Ave Buffalo, NY 14202

Physical Address:

FIN (aptional)

16-0972035

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each rate of pay. The overtime rate may vary Bons week to week.

**See attached sheet for examples ** On this day! have been notified of my pay rate, Road my employer what my primary language designated payday on the date given below. avertime rate (if eligible), altowarces, and

Seek one

English because it is my primary language. I have been given this pay notice in

not yet offer a pay motice form in my primary only, because the Department of Labor does have been given this pay notice in English anguage.

Prepare: Name and Thie

this form. The employer must keep the original The employee must receive a signed copy of (or 6 years)

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